IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 11TH MAY 2007 / 21ST VAISAKHA 1929

WP(C).No. 14977 of 2007(G)

PETITIONER:

BANIYAS WOOD INDUSTRIES,
CHALINGAL, HARIPURAM P.O., KANHANGAD,
REPRESENTED BY ITS MANAGING PARTNER, C.H.ASHRAF.

BY ADV. SRI.N.MURALEEDHARAN NAIR
SRI.V.K.SHAMUSUDHEEN

RESPONDENTS:
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1. COMMERCIAL TAX OFFICER-II, HOSDURG.

2. DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAXES, KOZHIKODE.

3. INSPECTING ASSISTANT COMMISSIONER,
COMMERCIAL TAXES, KASARGOD.

BY SPL. GOVT. PLEADER(TAXES) SRI. GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

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W.P.(C)No.14977 of 2007

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Dated this the 11th day of May, 2007.

JUDGMENT

Aggrieved by Ext.P1 order of assessment, petitioner has filed Ext.P2 appeal and P3 petition seeking stay before the second respondent, the Appellate Authority. It is stated that while the stay petition is pending consideration of the second respondent, Ext.P4 revenue recovery proceedings have been initiated and the petitioner has already been forced to make payment of Rs.20,000/-. In the aforesaid circumstances, this Writ Petition has been filed.

2. Taking into account the aforesaid circumstances, I dispose of this Writ Petition directing the second respondent – Appellate Authority to consider and pass orders on Ext.P3 stay petition with notice to the petitioner within six weeks from the date of receipt of a copy of this judgment. In the meanwhile, all further proceedings pursuant to Ext.P4 revenue recovery notice shall be kept in abeyance.

The petitioner is directed to produce a copy of this judgment before the second respondent for compliance.

Antony Dominic
Judge.

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